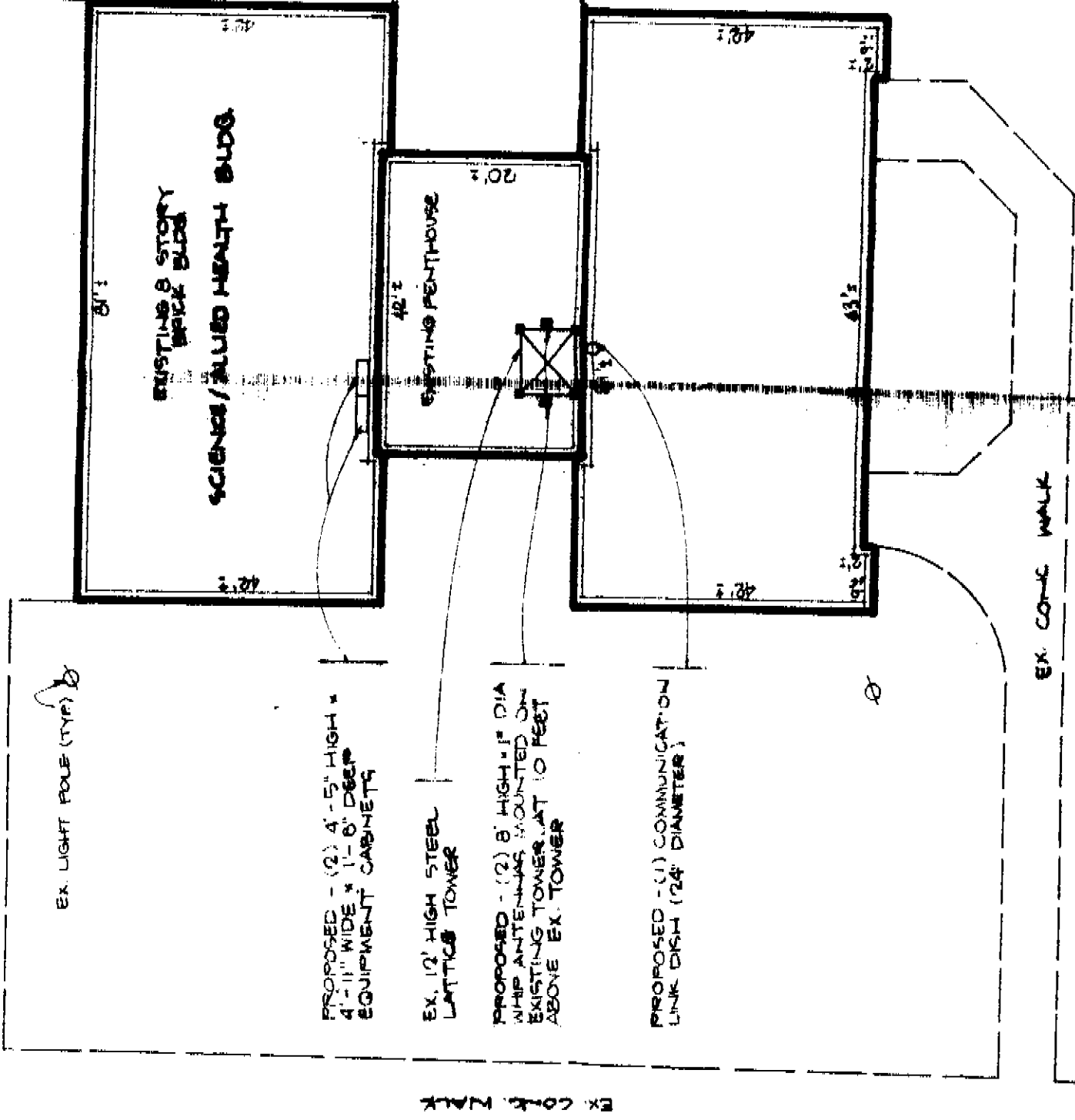
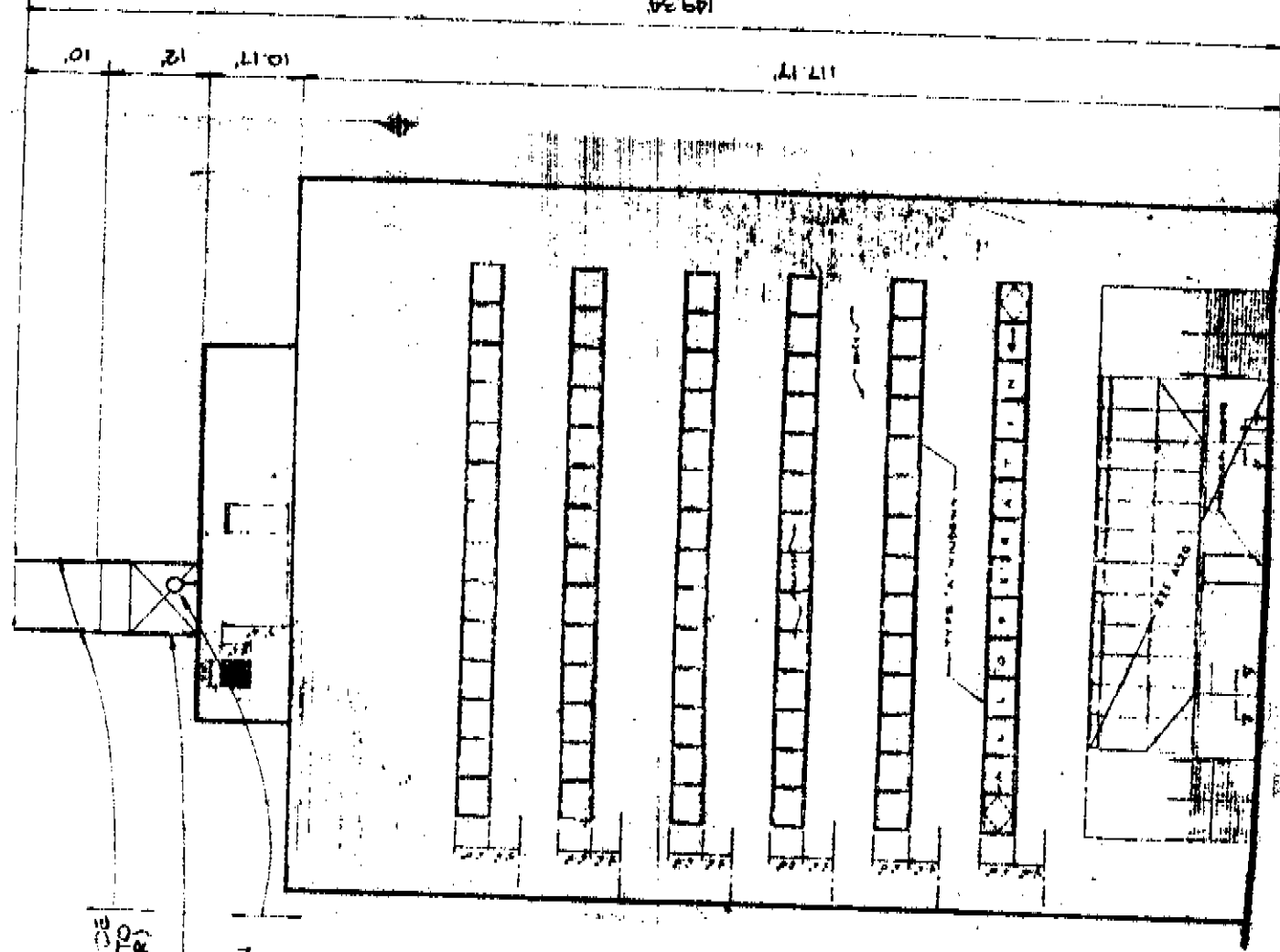


95-298-X

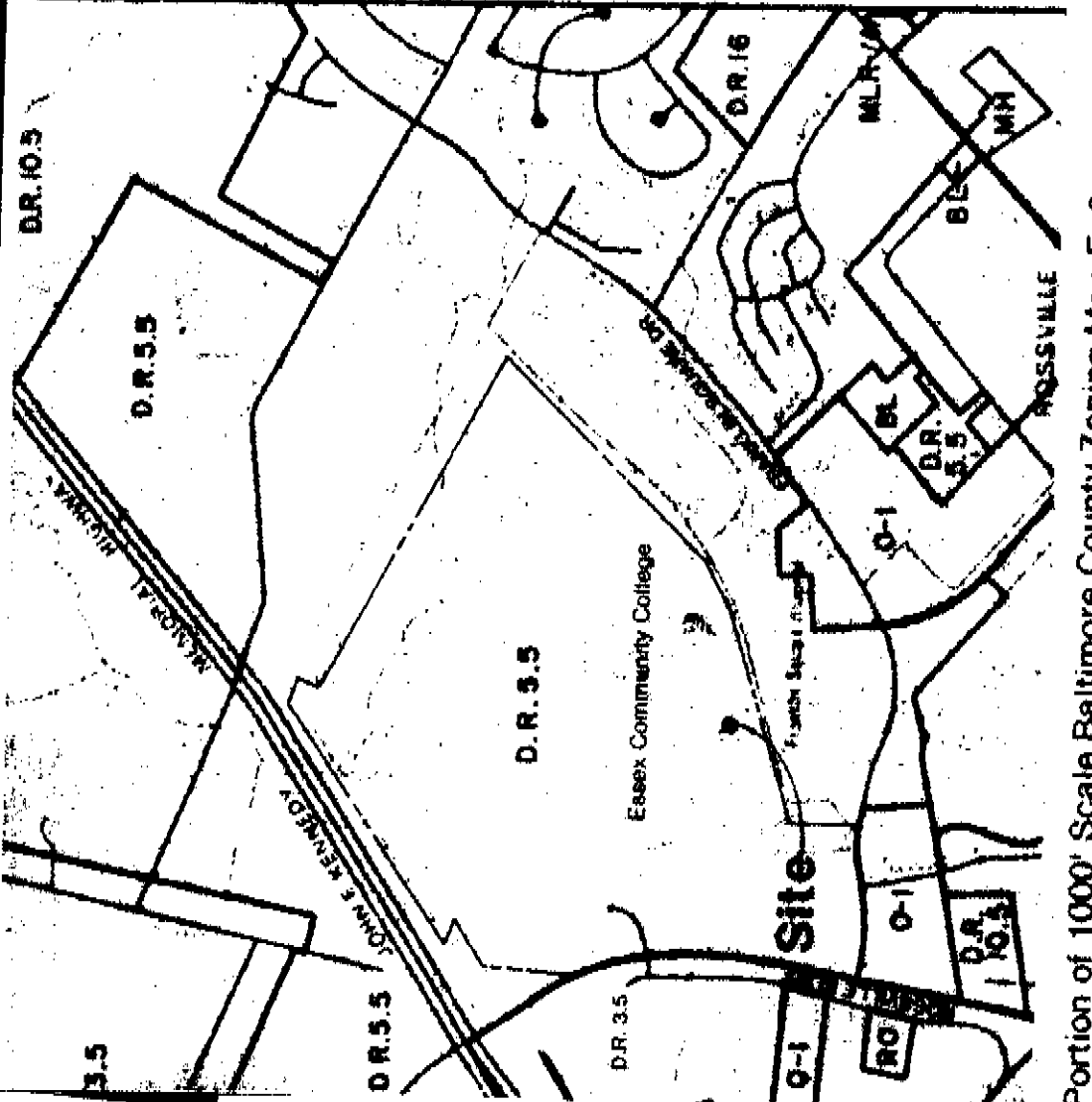


SITE PLAN

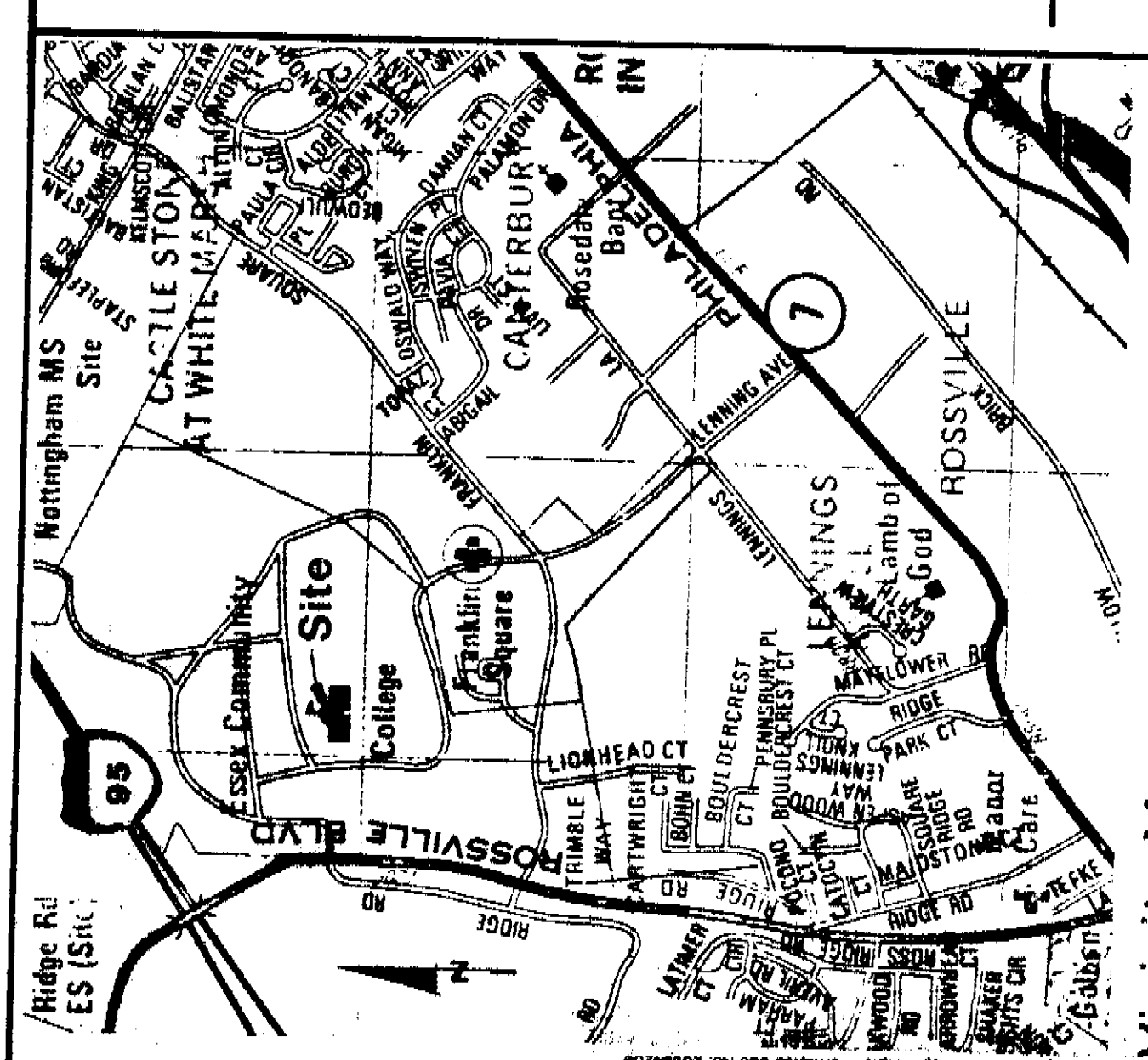


SOUTH ELEVATION

Not To Scale



Portion of 1000' Scale Baltimore County Zoning Map E-3



Vicinity Map

**DMW**  
200 E. Pratt Street  
Baltimore, MD 21202  
(410) 254-2333  
Fax: 254-1755

Baltimore County, Maryland  
BAN 18A

**American Personal Communications**  
Site Plan to Accompany the Petition for Special Exception  
Essex Community College Site  
14th Election District

No.	Description	Date
1	REVISIONS	
2		
3		
4		
5		
6		
7		
8		
9		
10		

Proj. No. 941618  
Date 2/22/95  
Scale As Shown  
Last Rev.



Sheet

# 294

PRINTED  
FEB 22 1995

DAFT/MCCUNE-WALKER, INC.

PETITIONER'S  
EXHIBIT No. 1

OVERALL SITE PLAN

Scale: 1" = 200'

Board of Trustees  
Baltimore County Colleges  
BRK 5403/695  
Board of Trustees  
Essex Community College  
OTG 475/925  
RRG 441/263  
RRG 443/205  
RRG 443/201  
Area in Aggregate 136.30 Ac. ±

Franklin Square/Meridian Healthcare  
PS/PC 64/723  
Use: Medical Center  
Zone: DR 5.5

Helix Health Systems, Inc.  
PB/PC 64/723  
Use: Medical Center  
Zone: DR 5.5

Franklin Square Hospital Center, Inc.  
6144/787  
Use: Hospital  
Zone: DR 5.5







IN RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
E/S Rossville Blvd. & N/S ZONING COMMISSIONER  
Franklin Sq. Dr. (Essex Community College) 7201 Rossville Blvd.  
14th Election District \* OF BALTIMORE COUNTY  
6th Councilmanic District  
Essex Community College, et al \* Case No. 95-298-X  
Petitioners

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner as a Petition for Special Exception to request approval of a wireless transmitting and receiving facility in a D.R.5.5 zone, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (BCZR). The Petition is filed by the Essex Community College through its Board of Trustees, property owner, and Margaret C. Ruggieri, Esquire on behalf of American PCS, L.P., (hereinafter known as "APC") Lessee. APC is a cellular communications company which, through the Petition, seeks approval to install two 8 ft. high, 1 inch wide antennas on the top of an existing building on the campus of Essex Community College. The antennas are to be installed to facilitate APC's cellular communication network in the southeast area of Baltimore County, serving I-95 and the Essex area.

Appearing at the public hearing held for this case was Margaret C. Ruggieri, Esquire on behalf of APC. A number of other expert witnesses appeared and were prepared to present testimony on behalf of the Petition. The Petitioners, including both the College and APC, was represented by Christine K. McSherry, Esquire. There were no Protestants or other interested persons present.

In support of the request, the Petitioners submitted a site plan (Petitioners' Exhibit No. 1.) which depicts the subject property and its environs. As noted above, the site which is the subject of this Petition is

the Essex Community College campus located near Rossville Boulevard and I-95 in Essex. The campus is improved with a number of structures, including the subject Science/Applied Health Building which is 8 stories (approximately 150 ft.) in height. Sitting atop the building is an equipment/HVAC shed which is approximately 11 ft. tall.

The Petitioners propose installing two 8 ft. high, 1 inch wide whip antennas to the top of the shed. Also installed will be 2 equipment cabinets to serve the antennas. The Petitioners have withdrawn their request to install a link dish in that same is not needed.

In view of the lack of opposition to the Petition, Ms. McSherry proffered the testimony of the witnesses. She introduced APC as a company new to the cellular communication field in the Baltimore County area. In addition to the well known cellular telephone service, other means of personal communication are possible through APC's system (including fax transmissions, for example). APC is duly licensed and approved by the FCC to service the Baltimore Metropolitan area. The company is now in the midst of installing the necessary infrastructure. As is well known to this Zoning Commissioner, through similar cases, the required infrastructure includes the installation of a series of antennas so as to provide a cell grid network. That is, the County is divided into a series of interlocking grids and antennas are installed so as to provide link service throughout the network. As a mobile user passes from cell to cell, his transmission is uninterrupted as service is "handed off" to the next cell station.

For the Essex area, the Petitioners have selected the subject building on the campus of the Essex Community College. This building provides the necessary height and is located in the desired geographic area.

Ms. McSherry also proffered the testimony of the experts present relating to the potential effects of the use. This proffered testimony was that

- 2 -

the level of electronic emissions generated by the antenna are more than 200 times below the safety standards imposed by the FCC. The proffered cumulative testimony of these experts was that there would be no adverse impact in any manner upon the surrounding locale. In this regard, an environmental statement (Petitioners' Exhibit No. 3) was submitted as required by the BCZR. This impact statement opines that the proposed use at this locale will not cause any detrimental effects.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Special Exception. Although cases for this type of use are often highly contested, there was no opposition here and the record before me is uncontradicted in that the proposed use satisfies the standards set forth in Section 502 of the BCZR, as well as the particular requirements governing wireless transmitting facilities contained in Section 426 of the BCZR. Thus, the Petition for Special Exception shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30th day of March, 1995 that, pursuant to the Petition for Special Exception, approval to allow a wireless transmitting and receiving facility in a D.R.5.5 zone, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for

- 3 -

returning, said property to its original condition.

LES:mmn

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

ORDER FOR FILING

- 4 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 29, 1995

Christine K. McSherry, Esquire  
Whiteford, Taylor and Preston  
500 Court Towers  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204-4515

RE: Case No. 95-298-X  
Petition for Special Exception  
Essex Community College, et al, Petitioners

Dear Ms. McSherry:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.  
cc: Margaret C. Ruggieri, Esquire  
Dr. Philip M. Ringle, Dean of Planning and Development  
Essex Community College/Board of Trustees



**Petition for Special Exception**  
to the Zoning Commissioner of Baltimore County  
for the property located at  
Science/Applied Health Bldg.  
Essex Community College, 7201 Rossville Blvd.,  
Baltimore, MD 21237,  
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for  
A wireless transmitting and receiving facility pursuant to section 1 B01.1 C 20.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Signature: Margaret C. Ruggieri Esq. for American PCS, L.P.  
One Democracy Center  
6901 Rockledge Dr.  
Bethesda, MD 20817

Signature: G. Scott Barhight, Esq.  
c/o Whiteford, Taylor & Preston  
210 W. Pennsylvania Ave.  
Towson, MD 21204

Signature: Essex Community College/Board of Trustees  
By: Dr. Philip M. Ringle  
Dean of Planning & Development

Signature: 7201 Rossville Road  
Baltimore, MD 21237  
Address: 780-6333

Signature: 210 W. Pennsylvania Ave.  
Towson, MD 21204  
Address: 832-2000

ESTIMATED LENGTH OF HEARING: 1 hr.  
The following date is recommended for hearing: 4/1/95  
ALL OTHER DATE: 2/1/95

Description  
To Accompany Petition For Special Exception  
136.3 Acre Parcel  
Essex Community College  
7201 Rossville Boulevard  
Fourteenth Election District  
Baltimore County, Maryland

DMW

Draft APC Case Walker, Inc.

200 East Overland Avenue  
Towson, Maryland 21206  
410 286 5555  
Fax 410 286 4799

A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

Beginning for the same at the point formed by the intersection of the east side of Rossville Boulevard with the north side of Franklin Square Drive, said point being at the end of the two following course and distances measured from the point formed by the intersection of the centerline of Franklin Square Drive with the centerline of Rossville Boulevard (1) Southeasterly along the centerline of Franklin Square Drive 125 feet, more or less, and thence Northeasterly 35 feet, more or less, to the point of beginning, said point of beginning having coordinate values north 19342 feet, more or less, and west 36983 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said point of beginning and running and binding on the right of way line of Rossville Boulevard the following seven courses and distances, viz: (1) North 35 degrees 03 minutes 23 seconds West 70.61 feet, thence (2) North 10 degrees 05 minutes 45 seconds East 448.73 feet, thence (3) Northeasterly by curve to the left having a radius of 1969.86 feet for a distance of 564.46 feet (the arc of said curve being subtended by a chord bearing North 10 degrees 53 minutes 13 seconds East 562.53 feet), thence (4) North 35 degrees 00 minutes 31 seconds East 75.04 feet, thence (5) North 14 degrees 10 minutes 02 seconds West 100.00 feet, thence (6) North 49 degrees 05 minutes 22 seconds West


68.78 feet, and thence (7) Northwesterly by curve to the left having a radius of 1969.86 feet for a distance of 365.69 feet (the arc of said curve being subtended by a chord bearing North 17degrees 38 minutes 26 seconds West 365.16 feet), thence leaving the said right-of-way and running the four following courses and distances, viz: (8) North 00 degrees 25 minutes 13 seconds East 130.35 feet, thence (9) South 82 degrees 49 minutes 03 seconds West 16.91 feet, thence (10) North 00 degrees 05 minutes 43 seconds East 244.53 feet, and thence (11) North 56 degrees 04 minutes 37 seconds East 315.40 feet, thence running and binding on the southeast right-of-way line of Interstate 95 the three following courses and distances, viz: (12) North 79 degrees 48 minutes 39 seconds West 130.00 feet, thence (13) North 55 degrees 43 minutes 03 seconds East 1500 feet, more or less, and thence (14) Northeasterly by curve to the left having a radius of 5879.58 feet for a distance of 390.32 feet (the arc of said curve being subtended by a chord bearing North 55 degrees 00 minutes 50 seconds East 390.25 feet), thence leaving said right-of-way line and running and binding on the southwest side of King Avenue the two following courses and distances, viz: (15) South 74 degrees 21 minutes 24 seconds East 234.4 feet, and thence (16) North 71 degrees 43 minutes 35 seconds East 12.46 feet, thence leaving the southwest side of King Avenue and running the following seven courses and distances, viz: (17) South 17 degrees 48 minutes 13 seconds West 170.9 feet, thence (18) South 17 degrees 46 minutes 43 seconds West 97.92 feet, thence (19) South 62 degrees 41 minutes 15 seconds East 1705.22 feet, thence (20) South 43 degrees 45 minutes 46 seconds West 1600.61 feet, thence (21) South 59 degrees 15 minutes 15 seconds West 659.34 feet, thence (22) South 82 degrees 12 minutes 35 seconds West 855.09 feet, and thence (23) South 07 degrees 47 minutes 25 seconds East 507.26 feet to a point on the north side of Franklin Square Drive, thence running and binding thereon the following four courses



THE JEFFERSONIAN,  
Hemickson  
LEGAL AD. - TOWSON:

Taken = 225K

(Revised 04/09/93)

 Printed with Soybean Ink

ESSEX/DEPRM/TXTSRD



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: March 7, 1995  
SUBJECT: Essex Community College

INFORMATION:  
Item Number: 294  
Petitioner: Essex Community College  
Property Size: \_\_\_\_\_  
Zoning: DR-5.5  
Requested Action: Special Exception  
Hearing Date: \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Exception to permit a wireless transmitting and receiving facility.

Based upon a review of the information provided, the staff does not oppose the applicant's request.

Prepared by: *Jeffrey M. Long*  
Division Chief: *Carol L. Kenna*  
PK/JL:lw

ITEM 294/PZONE/TEXTJWL

Pg. 1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 10, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for March 13, 1995  
Items 290, 291, 292, and 294

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/09/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL ROOM 1100

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for this property.

B. The Planning Department Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: PER. 290, 291, 292, AND 294.

RECEIVED  
MAR 9 1995

ZADM

MAILER: LT. ROBERT P. SPERMAN  
Fire Marshal Office, PHONE 887-4881, MS-1102P

CC: FILE



Printed on Recycled Paper



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

3-8-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: +294 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
Inter-Office Memorandum

DATE: February 22, 1995  
TO: Hearing Officer  
FROM: Mitchell J. Kellman  
Planner II, ZADM  
SUBJECT: Item #294  
7201 Rossville Boulevard

The applicant applied for a special exception for a wireless transmitting and receiving structure. The property description follows the entire tract, whereas the area for special exception should be reduced. The special exception, if granted, should not include the entire property.

MJK:scj

RE: PETITION FOR SPECIAL EXCEPTION \*  
7201 Rossville Boulevard (Essex Community \*  
College, Science/Applied Health Bldg.), \*  
E/S Rossville Boulevard and N/S Franklin \*  
Square Drive, 14th Election District, \*  
6th Councilmanic \*  
Essex Community College \*  
Petitioners \*  
\* \* \* \* \*

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 95-298-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carol S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15<sup>th</sup> day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, attorney for Petitioners.

RECEIVED  
MAR 16 1995

ZADM

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

*Charles W. Sherry*

*Margaret Ruggieri*

*N. Williams*

*APC*

*95-298-SPH*

*David E. Star*

*Link Park not needed*

*2 8' foot high - 1" wide*

*whip antenna*

*2 equipment cabinets -*

*APC -*

*new communications -*  
*personal communication, providers*  
*not just telephones, but data*

*-wires preference-*

*comply w/ FCC -*

*APC - system not yet*  
*operational*

*Timetable end of 1995*

*147.34*

*This is a cell system -*

*This covers I-95 - cell*

*unique structure*

*\$ 502.1*

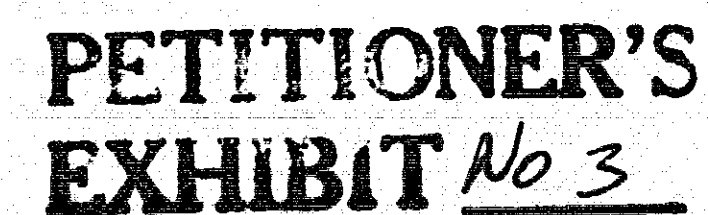
*communications level - 200x*  
*below safety stls.*



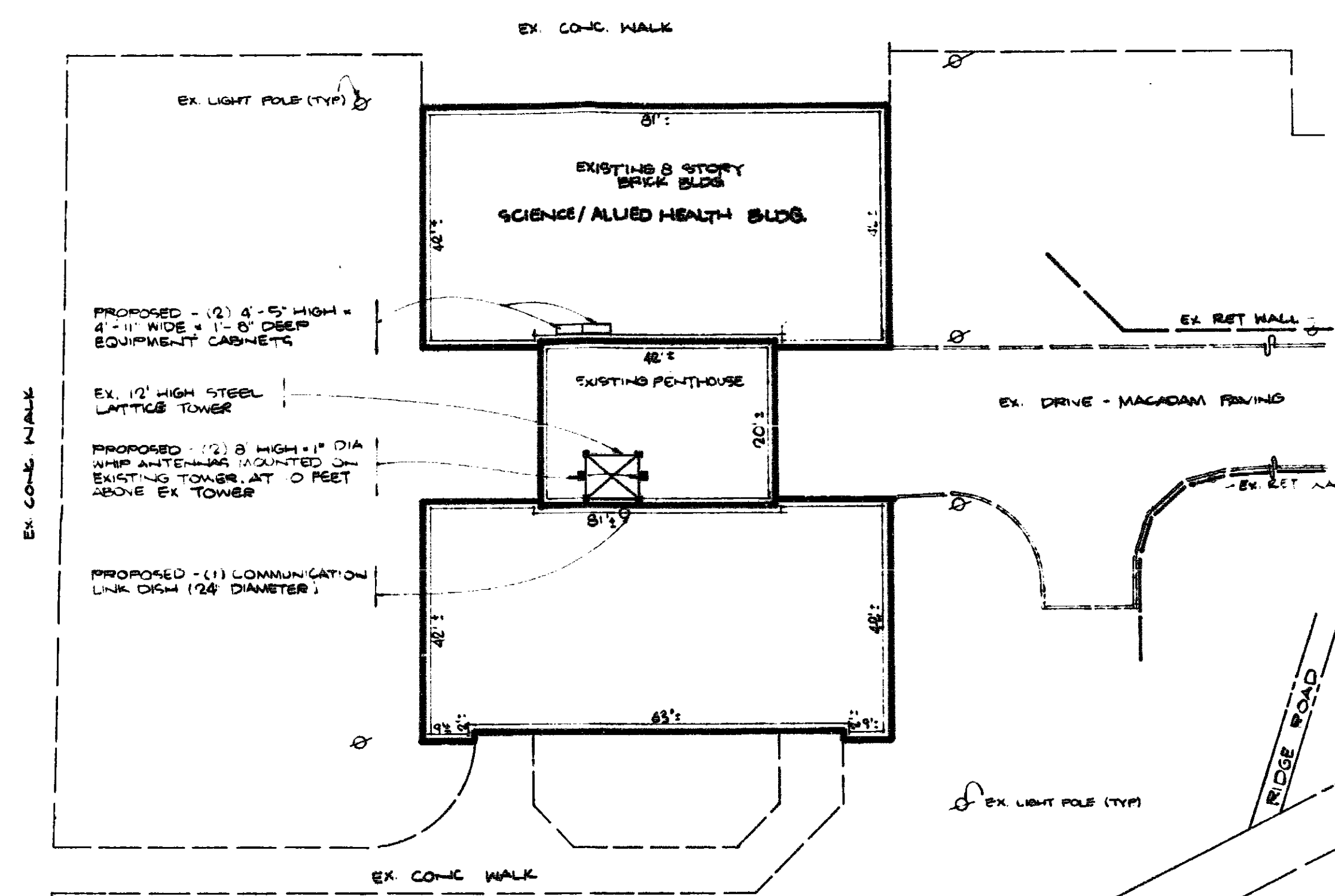
2 equipment cabinets -

APC has complied

6901 Rockledge Dr. Bethesda, MD

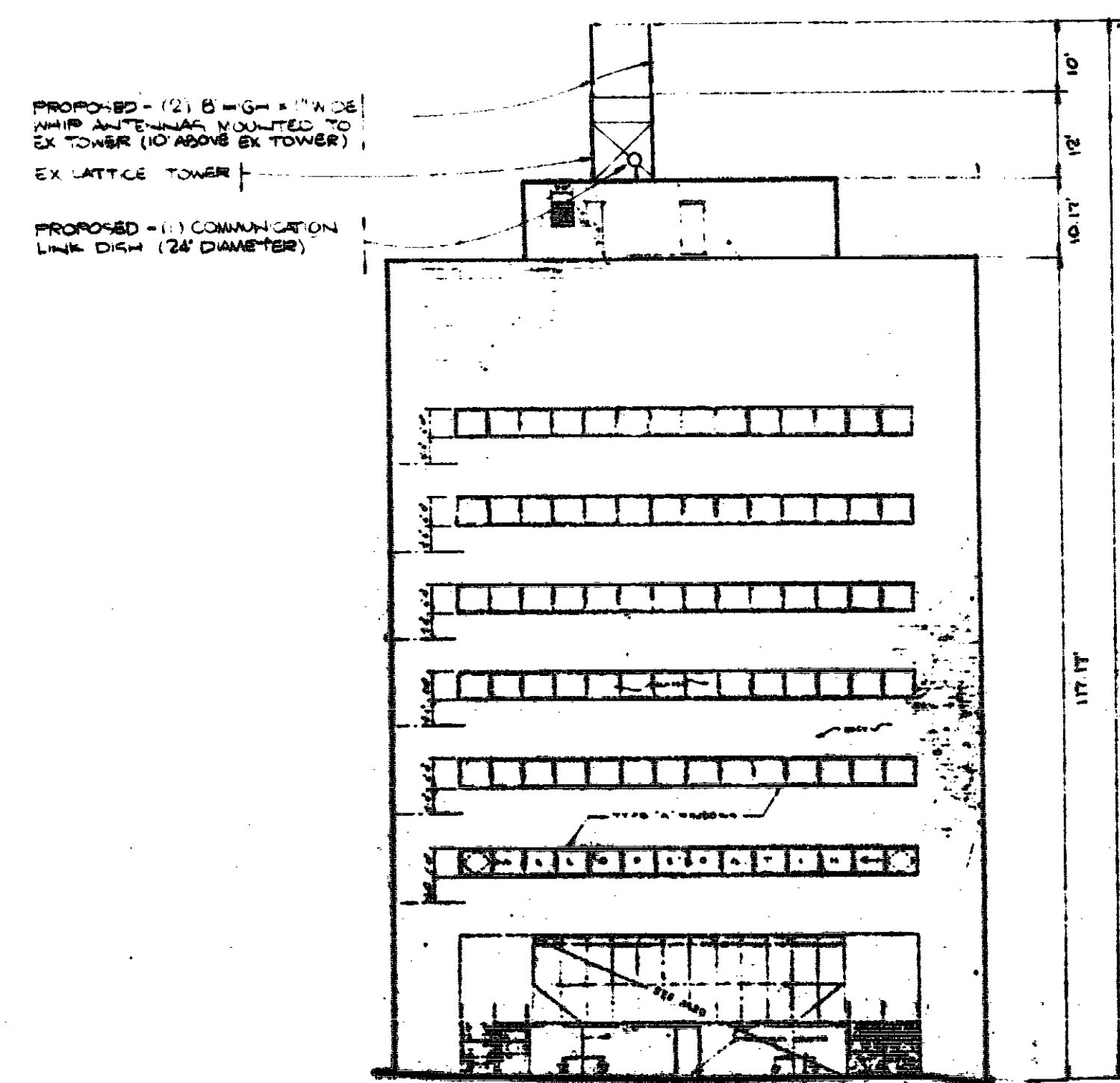


95-298-X



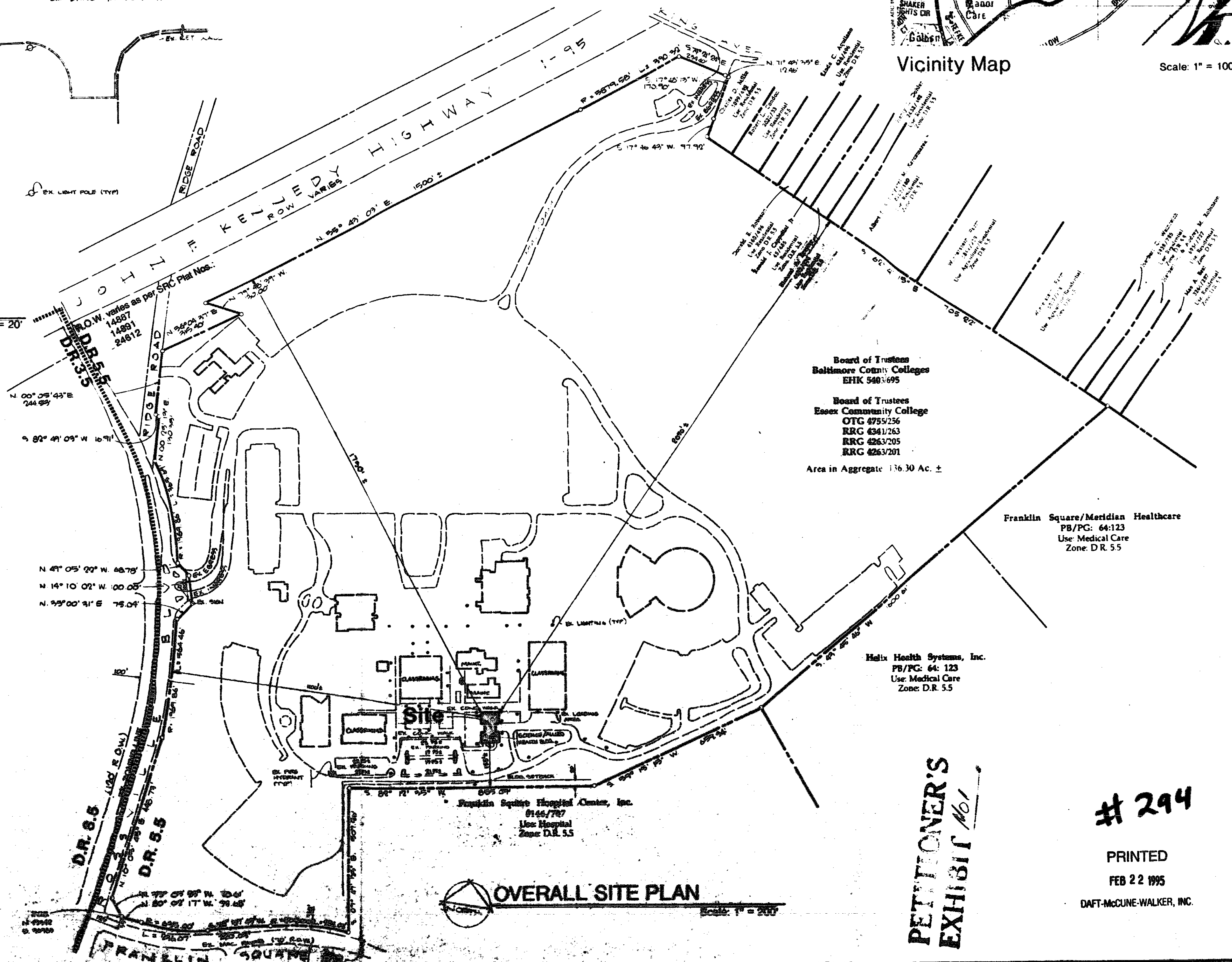
**SITE PLAN**

Scale: 1" = 20'



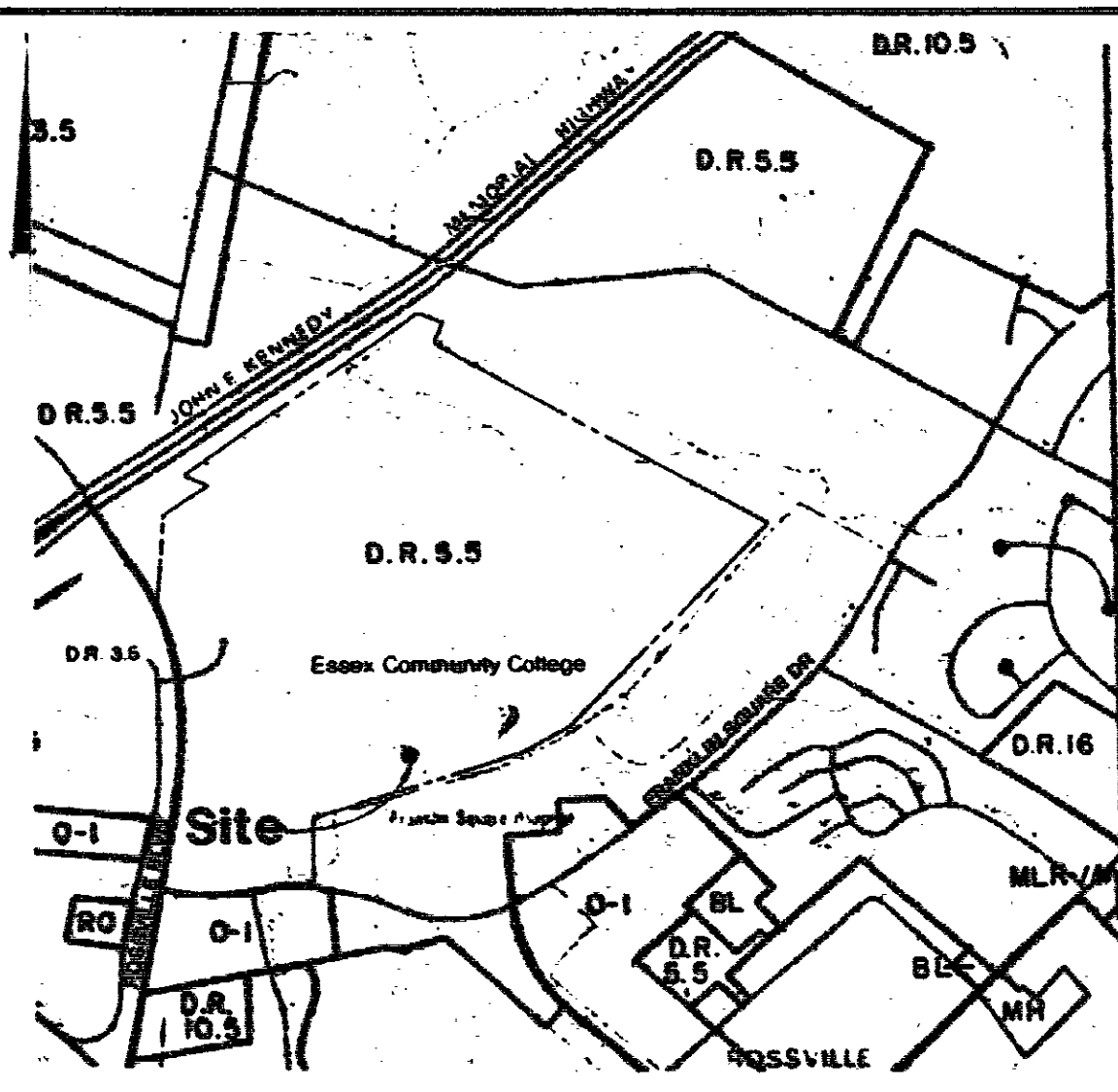
**SOUTH ELEVATION**

Not To Scale

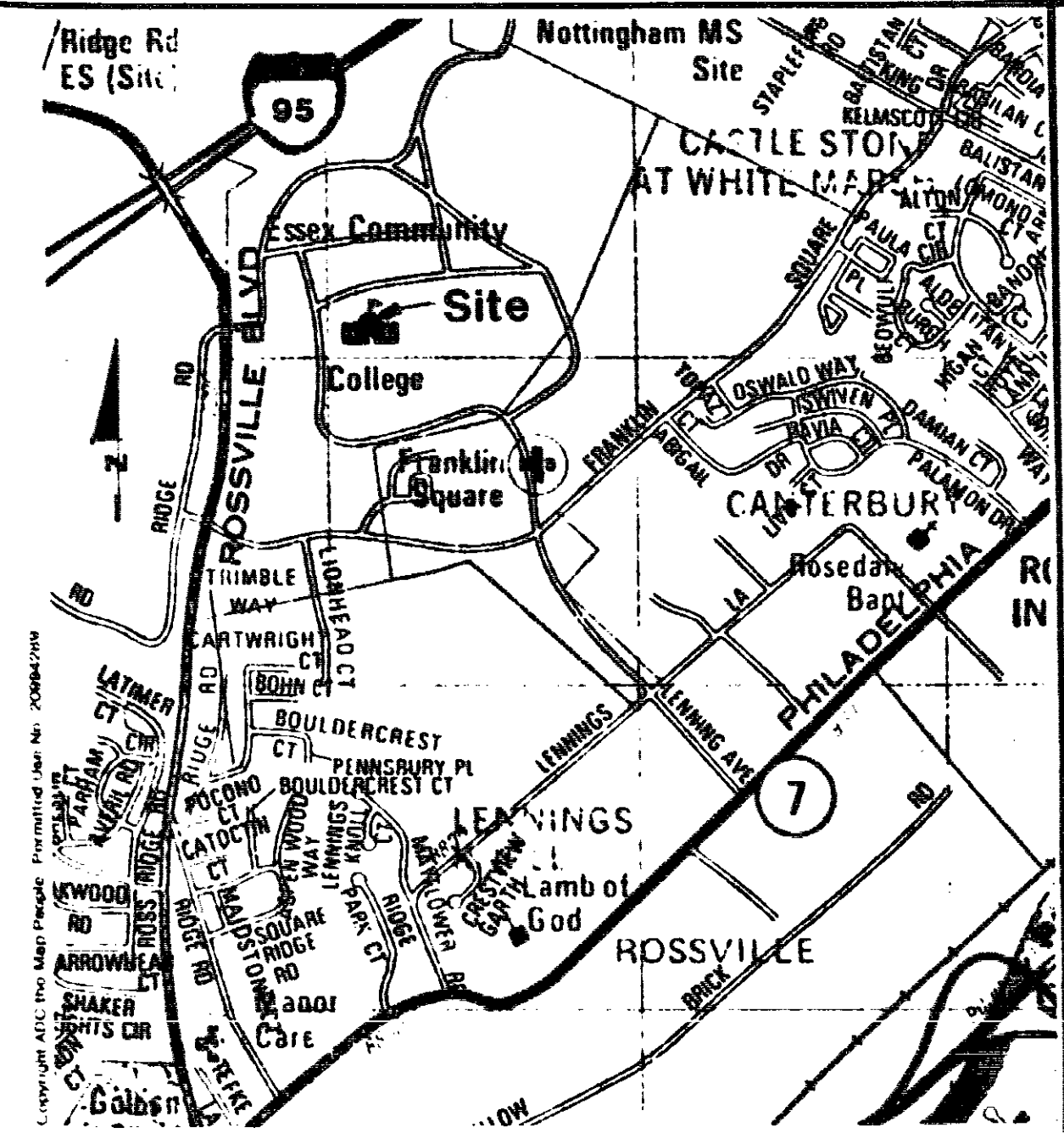


**OVERALL SITE PLAN**

Scale: 1" = 200'



Portion of 1000' Scale Baltimore County Zoning Map E-3.



**Vicinity Map**

Scale: 1" = 1000'

Board of Trustees  
Baltimore County Colleges  
EHC 540/695

Board of Trustees  
Essex Community College  
OTG 4755/256  
RRG 4241/263  
RRG 4263/205  
RRG 4263/201

Area in Aggregate 136.30 Ac. ±

Franklin Square/Meridian Healthcare  
PB/PC: 64:123  
Use: Medical Care  
Zone: D.R. 5.5

Helix Health Systems, Inc.  
PB/PC: 64:123  
Use: Medical Care  
Zone: D.R. 5.5

Franklin Square Hospital Center, Inc.  
0146/787  
Use: Hospital  
Zone: D.R. 5.5

**PETITIONER'S EXHIBIT No. 1**

# 294

PRINTED  
FEB 22 1995  
DAFT-MCCUNE-WALKER, INC.

**DMW**  
Daft McCune Walker, Inc.  
A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

200 E. Pennsylvania Avenue  
Towson, Maryland 21286  
(410) 294-3333  
Fax: 294-4765

**American Personal Communications**  
Site Plan to Accompany the Petition for Special Exception  
**Essex Community College Site**  
14th Election District

No.	Description	Date
REVISIONS		
Proj. No.	941618	
Date	2/22/95	
Scale	As Shown	
Last Rev.		

Sheet

1 of 2

BAN 18A  
Baltimore County, Maryland